

# **Notice of Allowability**

Application No.

09/202,365

Examiner

Van Kim T. Nguyen

Applicant(s)

LUIJTEN ET AL.

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 8, 2005.
2. ☒ The allowed claim(s) is/are 19-26 (being renumbered as 1-8).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No. 4.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |   |
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| <ol style="list-style-type: none"> <li>1 <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>04/06/05</u></li> <li>7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____</li> <li>6 <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9 <input type="checkbox"/> Other</li> </ol> |
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**ZARNI MAUNG**

**SUPERVISORY PATENT EXAMINER**

### **DETAILED ACTION**

This Office Action is responsive to communications filed on July 8, 2005.

#### ***Allowable Subject Matter***

Claims 19-26 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims are considered allowable when reading the claims in light of the specification, none of the references of record alone or in combination disclose or suggest the combination limitations specified in the independent claims including a method and apparatus for determining a currently used bandwidth on a connection on which countable information carrying units are transported, comprising the steps of repetitively measuring a duration ET of an arrival period during which a predetermined number of the units arrives at a certain point of connection, the arrival period ending at a point of time TS, storing the most recent duration ET and the most recent TS. The currently used bandwidth at a current point of time GT is determined by dividing the predetermined number M by the stored most recent ET if and only if the stored most recent TS is not more than a predetermined threshold time interval (THR) before the current point of time GT.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone numbers for the organization where this application or proceeding is assigned are 571-272-8300 for regular communications and 571-272-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3050.

Van Kim T. Nguyen  
Examiner  
Art Unit 2151

vkn  
August 2, 2005

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER